



**HB207 HD1**  
**RELATING TO TRAINING**  
House Committee on Finance

February 26, 2015

11:00 a.m.

Room 308

The Office of Hawaiian Affairs (OHA) **STRONGLY SUPPORTS** HB207 HD1, which is a bill in OHA's 2015 Legislative Package. This bill would require the members of certain boards and commissions to attend a Native Hawaiian Law training course funded by OHA, and developed by third-party legal experts. Accordingly, HB207 HD1 represents an opportunity to ensure that key State policymakers understand and make decisions that are consistent with the State's fiduciary obligations to the Native Hawaiian people.

A training course in Native Hawaiian law for relevant board and commission members is necessary to fulfill the trust obligation and responsibility held by the State of Hawai'i towards Kānaka Maoli. The boards and commissions listed in HB207 HD1 administer resources and programs that directly impact Native Hawaiian traditional and customary rights, natural and cultural resources, and the public trust. As state entities, these boards and commissions have a duty to protect and enforce Native Hawaiian rights, and to administer the public trust in the interest of its beneficiaries, including Native Hawaiians. However, notwithstanding the broad range of expertise and experience of the individuals selected to serve on these boards and commissions, many may not possess knowledge of the unique legal rights and responsibilities that relate to the Native Hawaiians, or to the public trust. Unfortunately, this has likely contributed to a sense of disenfranchisement felt by many in the Native Hawaiian community, and policy decisions that have failed to uphold the duties of the State.

To address this problem, since 2013 OHA has offered a Native Hawaiian Law training course on a voluntary basis to state and county legislators, board and commission members, and other relevant individuals. This training course was developed in partnership with the Ka Huli Ao Center for Excellence in Native Hawaiian Law at the William S. Richardson School of Law, and has been presented in January 2013, January 2014, and July 2014. In total, over 250 individuals have attended the course, including members of all the boards and commissions enumerated in this bill. **Notably, training course attendees overwhelmingly indicated that as a result of the course, they better understood the State's legal responsibilities towards Native Hawaiians and the public trust.**

Requiring similar legal training for each member of the boards and commissions listed in this bill will ensure that *all* of these critical decisionmakers are provided with the

information they need to successfully fulfill the state's legal obligations towards Native Hawaiians and the public trust. Towards this end, OHA has and will continue to commit funds for the further development and administration of a Native Hawaiian Law training course, eliminating the need for appropriations from the state general fund.

As the constitutionally established body responsible for protecting and promoting the rights of Native Hawaiians, OHA is the appropriate agency to create and administer a Native Hawaiian Law training course. OHA's kuleana include serving as the agency responsible for the 1) performance, development, and coordination of programs and activities relating to Native Hawaiians, as well as 2) the assessment of policies and practices of other agencies impacting Native Hawaiians. HB207 HD1 accordingly furthers OHA's purpose and kuleana in these areas, by ensuring that agency officials making policy decisions on Hawaiian issues have a basic understanding of legal protections for Native Hawaiian rights and interests.

Therefore, OHA strongly urges the Committee to **PASS** HB207 HD1. Mahalo nui loa for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY CHANG  
Interim Chairperson**

**Before the House Committee on  
FINANCE**

**Thursday, February 26, 2015  
11:00 am  
State Capitol, Conference Room 3208**

**In support of  
HOUSE BILL 207, HOUSE DRAFT 1  
RELATING TO TRAINING**

House Bill 207, House Draft 1 proposes to mandate that the Office of Hawaiian Affairs (OHA) develop a training course on Native Hawaiian rights, and to require members of ten board or commissions to attend these trainings. **The Department of Land and Natural Resources' (Department) comments are limited to those boards and commissions under its jurisdiction. As such, the Department supports this measure.**

House Bill 207, House Draft 1 notes that it is the duty of all boards and commissions to protect Native Hawaiian traditional and customary rights. However, many appointees to the boards and commissions that have the potential to impact Native Hawaiian traditional and customary rights are not adequately trained in what those rights are, or the tools that they can use to protect those rights.

The Department notes that OHA has offered three such training courses since January 2013, and the Department has sent boards and commission members, as well as staff members, to the course each time. Everyone who attended had high praise for the course and indicated it was well worth their Saturday.

Thank you for the opportunity to testify.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



**Department of Land and Natural Resources  
Aha Moku Advisory Committee  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

Testimony of  
Leimana DaMate

Before the House Committee on  
Finance

Thursday, February 26, 2015  
11:00 A.M.  
State Capitol, Conference Room 308

**In SUPPORT of House Bill 207, HD 1**

**Relating to Training**

House Bill 207 HD 1 requires OHA to administer a training course on native Hawaiian and Hawaiian rights. It requires members of certain state councils, boards, and commissions to attend the training course.

The Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 43 moku and 587 ahupua'a. Many of the state's regulatory policies and laws are derived from the foundation of cultural practices and codified within the Hawaii State Constitution. However, these laws and practices are not commonly translated into practical knowledge by sitting members of many of the state's official councils, boards, commissions and advisory committees. These same entities have great influence in the creation and implementation of current statutes and rules which directly impact the lives of the public trust including Native Hawaiians.

We believe that this bill is necessary and long-overdue. It will bring a much needed understanding of how public trust resources and programs directly impact Native Hawaiian and Hawaiian traditional and customary rights and natural resource protection and access rights.

**We humbly ask that the Senate Hawaiian Affairs and the Water and Land Committees pass HB 436.**



**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lieutenant Governor

**LUIS P. SALAVERIA**  
Director

**MARY ALICE EVANS**  
Acting Deputy Director



**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

**DANIEL ORODENKER**  
Executive Officer

**Bert K. Saruwatari**  
Planner  
**SCOTT A.K. DERRICKSON AICP**  
Planner

**RILEY K. HAKODA**  
Chief Clerk/Planner

**FRED A. TALON**  
Drafting Technician

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Statement of  
**Daniel E. Orodenker**  
**Executive Officer**  
Land Use Commission  
Before the  
**House Committee on Finance**  
February 26, 2015  
11:00 AM  
State Capitol, Conference Room 308

In consideration of  
**HB 207 HD1**  
**RELATING TO TRAINING**

Chair Luke, Vice Chair Nishimoto, and members of the Committee on Finance:

The Land Use Commission strongly supports HB 207 HD1 in that it provides the Land Use Commission (LUC) with training that is incredibly valuable for staff who must advise commissions and non-expert commissioners who deal with public trust issues involving Hawaiian traditional and customary rights, water, natural and archaeological resources, and burials.

These trainings have been cost-effective (offered at no cost to the agency), time-efficient, and at least for the LUC, highly relevant to the legal issues and the type of findings they are required to make in their decisions and orders. LUC staff and several of our past commissioners have attended OHA-sponsored training sessions with unanimous agreement as to their value and utility.

The LUC will continue to take advantage of such training opportunities for our staff and commissioners in the future.

Thank you for the opportunity to testify on this matter.

**COUNTY COUNCIL**

Mel Rapozo, Chair  
Ross Kagawa, Vice Chair  
Mason K. Chock  
Gary L. Hooser  
Arryl Kaneshiro  
KipuKai Kuali'i  
JoAnn A. Yukimura



**OFFICE OF THE COUNTY CLERK**

Ricky Watanabe, County Clerk  
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188  
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**Council Services Division**  
4396 Rice Street, Suite 209  
Līhu'e, Kaua'i, Hawai'i 96766

February 25, 2015

**TESTIMONY OF KIPUKAI KUALI'I  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
HB 207, HD 1, RELATING TO TRAINING  
House Committee on Finance  
Thursday, February 26, 2015  
11:00 a.m.  
Conference Room 308**

Dear Chair Luke and Members of the Committee:

Thank you for this opportunity to submit testimony in support of HB 207, HD 1, Relating to Training. My testimony is submitted in my capacity as the Economic Development & Intergovernmental Relations Committee Chair and as an individual Councilmember of the Kaua'i County Council.

The purpose of HB 207, HD 1 is to require the Office of Hawaiian Affairs to administer a training course on Native Hawaiian and Hawaiian rights. It also requires members of certain state councils, boards, and commissions to attend the training course. The members of our councils, boards, and commissions should have a basic understanding of Native Hawaiian rights and public trust laws. As decision-makers, we all should have an understanding as to how our decisions affect Native Hawaiian traditional and customary practices, public trust resources, lands (ceded and Hawaiian home lands), protection for 'iwi kupuna and sacred sites, access rights, and protection of our natural resources. As a Native Hawaiian, I am proud to support this Bill which moves the State of Hawai'i forward in reaffirming its commitment to Native Hawaiians.

For the reasons stated above, I strongly encourage the House Committee on Finance to support this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

KIPUKAI KUALI'I  
Councilmember, Kaua'i County Council



February 24, 2015

Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
House Committee on Finance

**Comments, Concerns and Opposition to current form of HB 207 Relating to Training (Requires the Office of Hawaiian Affairs (OHA) to administer a training course on native Hawaiian and Hawaiian legal rights. Requires members of certain state councils, boards, and commissions to attend the legal rights training course).**

**FIN Hearing: Thursday, February 26, 2015, 11:00 a.m., in Conference Room 308**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

While LURF supports the intent of providing State councils, boards and commission with training on native Hawaiian and Hawaiian rights and supports the involvement of the Office of Hawaiian Affairs (OHA) in that process, it is **OPPOSED** to the current version of HB 207, HD1 and respectfully requests that this Committee **HOLD** this bill, based on the following:

(1) This bill is unnecessary, because the State Administration and Department of the Attorney General (Attorney General) could create a "comprehensive training program" for State councils, boards and commissions, and with assistance from OHA, it could include areas relating to native Hawaiian and Hawaiian traditional and customary practices and legal rights, natural resources protection and access rights, and the public trust; and also include the State's trust responsibilities and other legal issues relating to agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, astronomy, sustainability, genetic modification, high technology and other areas of state interests.

(2) This bill is unnecessary, because OHA and the Department of Land and Natural Resources have confirmed that even without legislation such as HB 207, HD1, it already has offered three such training courses since January 2013, which have attracted attendees representing a broad spectrum of state and county government officials.



(3) The bill is unnecessary, because current law already allows OHA to publicly present its factual and legal positions relating to native Hawaiian and Hawaiian traditional and customary practices and legal rights, natural resources protection and access rights, and the public trust to State councils, boards and commissions and also allows OHA to be officials parties in matters, hearings and meetings before those entities.

(4) The Attorney General is the legal advisor for State councils, boards and commissions. OHA's legal training could be contrary to the Attorney General's legal interpretations and advice and could create confusion for members of those State entities.

(5) Pursuant to Section 10-3 (4), of the Hawaii Revised Statutes (HRS), OHA's purposes include "conducting advocacy efforts" and "affecting public policy" relating to State councils, boards and commissions. Thus, OHA's proposed mandatory legal rights training to those same State entities would represent conflict of interest between its statutory "advocacy" responsibilities to affect public policy and OHA's proposed mandatory legal rights training role;

(6) OHA's exclusive access and legal training will involve an opportunity for illegal ex parte communications on legal and factual issues that will come before State councils, boards and commissions. During those *ex parte* legal training sessions OHA will have the exclusive opportunity to affect the public policy decisions of those State entities, by providing information, advocating, supporting, opposing or criticizing various State, county or private initiatives and projects;

(7) OHA's exclusive *ex parte* legal training will create a special and unfair access and advantage with State councils, boards and commissions, without providing similar access to other organizations with differing views in areas including, but not limited to, agriculture, ranching, aquaculture, fishing, hunting, water, tourism, housing, education, business, military, land use, renewable energy, astronomy, sustainability, genetic modification, high technology and other areas of state interests .

**HB 207, HD1 OHA's native Hawaiian and Hawaiian Law Training Course.** The Office of Hawaiian Affairs ("OHA") website and legislative package describes this bill as "***OHA-3 Native Hawaiian Law Training Course.***" This bill proposes to require OHA to establish, design, and administer a "law training course" relating to native Hawaiian and Hawaiian traditional and customary rights, native Hawaiian and Hawaiian natural resources protection and access rights, and the public trust, including the State's trust responsibility; and specified members of the following councils, boards and commissions would be required to take the law training course:

- Land Use Commission
- Board of Land and Natural Resources ("BLNR")
- Commission on Water Resource Management
- Environmental Council
- Board of Directors of the Agribusiness Development Corporation
- Board of Agriculture
- Legacy Land Conservation Commission
- Natural Area Reserves Systems Commission
- Hawaii Historic Places Review Board
- Board of Health

## FIN-Jo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 10:04 AM  
**To:** FINTestimony  
**Cc:** mkhan@hawaiiantel.net  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

### **HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Kalihi Palama HCC	Support	No

Comments: Support HB207, HD1. Training as proposed by OHA will enable leaders to make sound decisions and to advocate for good policies that take into consideration the State's commitment to Native Hawaiians, especially as mandated by the Hawaii State Constitution. Respectfully, Leimomi Khan, President, Kaihi Palama Hawaiian Civic Club

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai'i 96807

### **HOUSE COMMITTEE ON FINANCE**

### **HB207HD1 RELATING TO TRAINING**

Thursday, 02/26/15; 11:00 a.m.; Room 308

Aloha Madam Chair Luke, Vice Chair Nishimoto and members of the House Committee on Finance. The Association of Hawaiian Civic Clubs is pleased to support this bill that extends the offer to provide training courses to a broad spectrum of government officials by the Office of Hawaiian Affairs (OHA).

The training courses started a couple of years ago by OHA have proven to be informative and useful to those who have attended. Enough so that there are now many requests for courses by appropriate new government appointees (and some senior employees too) that have to deal with Hawaiian traditional and customary laws and rights and the public trust doctrine.

The Association of Hawaiian Civic Clubs has long advocated for many of the laws, rights and benefits that are being shared as part of this training package. We are also beneficiaries of the laws, rights and the public trust and appreciate government officials understanding the long history and background of the continuing struggle by Native Hawaiians to gain these benefits.

Thank you for the opportunity to support this bill. We urge its passage.  
Contact: [Jalna.keala2@hawaiiantel.net](mailto:Jalna.keala2@hawaiiantel.net)



**finance8-Melanie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 4:25 PM  
**To:** FINTestimony  
**Cc:** olindaaiwohi@yahoo.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Olinda Aiwohi	Paukukalo Hawaiian Homes Community Association	Oppose	No

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony Before The  
House Committee on Ocean, Marine Resources & Hawaiian Affairs  
**IN SUPPORT OF HB 207 HD1**  
Thursday, February 26, 2015, 11:00AM, Room 308

My name is Kevin Chang and I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

**KUA supports HB 207 as an incremental step towards 'āina momona.** This bill would require members of state councils, boards, and commissions that have an impact on Native Hawaiian and public trust resources to attend a training course on their fiduciary duties in regard to those resources.

We employ a community-driven approach that currently supports a network of more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko l'a, and a new and growing hui of Limu practitioners all from across our state.

Many of the communities in the networks we facilitate focus on improving natural resource management and restoration of native ecological systems, values and ethics more sensitive to the needs of their wahi (their places). Quite often the issues they work to advance come before state and county councils, boards and commission dealing with historical and cultural sites, land, agriculture and water issues. When members of these decision-making bodies are uninformed of their fiduciary duties confusion often results in un-necessary delay and drain of resources sometimes even resulting in prolonged and personally taxing lawsuits.

We commend the Office of Hawaiian Affairs for the development and implementation of these training sessions and advancement of this important issue before you. However, the long term vision for these programs should ultimately be one embraced and furthered by the broader community.

Our communities are committed to ensuring the long-term health of our cultural and natural resources because they have depended on them for generations. This bill among others is an exciting trend towards increasing government's role as a partner with our communities to restore the abundance that we are all often so nostalgic about.

Professor Melody Kapilialoha MacKenzie  
Ka Huli Ao Center for Excellence in Native Hawaiian Law  
William S. Richardson School of Law, UH–Mānoa  
2515 Dole Street, Honolulu, Hawai‘i 96822

**H.B. 207, H.D.1  
Relating to Training**

**Committee on Finance**  
Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair

Hearing on Thursday, February 26, 2015, at 11 a.m.

Mahalo for this opportunity to submit testimony in strong **support** of H.B. 207, H.B. 1, relating to training of members of state councils, boards, and commissions on Native Hawaiian legal issues – especially the state’s trust duties in relation to natural and cultural resources. I am a professor at the William S. Richardson School of Law and director of Ka Huli Ao Center for Excellence in Native Hawaiian Law.

Ka Huli Ao has partnered with the Office of Hawaiian Affairs to provide three Native Hawaiian Law training courses with the focus on the public land trust, water, traditional and customary rights, and iwi kūpuna or ancestral remains. Over 270 people have attended the day-long training courses. Most attendees were members of state and county boards, councils, and commissions or staff members. A number of state legislators and county councilmembers have also attended. The response to the training has been overwhelmingly positive. The training evaluations indicate that 75–80% of those responding believed that the training had increased their understanding and knowledge of the state’s trust duties and responsibilities in each of the vital subject areas included in the training. When asked to identify the most important “take-aways” from the training, responses included:

- The difficult and huge responsibilities for us to respect and protect Hawaiian traditional and customary practices.
- The Public Land Trust is real and important.
- Water laws in Hawaii incorporate a concept of public trust.
- The historical basis of Native Hawaiian customary rights and practices.
- The counties do have an obligation to conserve and protect the State’s natural resources.
- My understanding of water resource management in Hawai‘i improved greatly.

We believe that the training courses have greatly increased the understanding of attendees, and have given them the knowledge and tools to help make difficult decisions. One additional benefit from the training is that attendees from different agencies and departments have been able to interact and share concerns and possible solutions with each other, helping to build common understanding and increased cooperation among agencies and departments.

Ka Huli Ao has been honored to partner with OHA in this effort. We believe that it is important, particularly for newly-appointed members of councils, boards, and commissions, to be required to attend a training on areas of law that so strongly impact Hawai‘i’s natural and cultural resources and the Native Hawaiian community. Mahalo for the opportunity to express our strong **support** for H.B. 207, H.D. 1.

TO: Representative Sylvia Luke, Chair  
Representative Scott Y. Nishimoto, Vice Chair  
House Committee on Finance

FROM: Sara L. Collins, Ph.D., President  
Society for Hawaiian Archaeology  
sara.l.collins.sha@gmail.com

HEARING: Thursday, February 26, 2015 at 11:00 AM in Conference Room 308

SUBJECT: Testimony in SUPPORT of HB 207, HD 1, Relating to Training

I am Dr. Sara Collins, President of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. HB 207, HD1 amends Chapter 10, Hawaii Revised Statutes (HRS) to require the Office of Hawaiian Affairs (OHA) to administer a training course on native Hawaiian and Hawaiian rights. The amendments will also require members of certain state councils, boards, and commissions to attend the training course, and allow other state or county officers, representatives, or employees to request to enroll in the training course.

Since 2013, OHA has offered three such training courses attended by a broad range of state and county government officials. An overwhelming majority of the attendees found the course materials, content, and presentation to be very valuable. Upon completion, attendees felt that they had a better understanding of Native Hawaiian traditional and customary rights, natural resource protection, access rights, and the public trust.

HB 207 proposes to amend §10.2, HRS by adding a new part that requires the following actions:

- The training shall be required for members of the Land Use Commission, Board of Land and Natural Resources, Commission on Water Resource Management, Environmental Council, Board of Directors of the Agribusiness Development Corporation, Board of Agriculture, Legacy Land Conservation Commission, Natural Area Reserves Commission, Hawaii Historic Places Review Board, and the Board of Health. Such individuals shall complete the training course within 12 months of the members' initial appointments.
- At its own expense, OHA will establish, design, and administer the training course relating to Native Hawaiian and Hawaiian traditional and customary rights, Native Hawaiian and Hawaiian natural resource protection and access rights, and the public trust, including the State's trust responsibility. OHA shall offer the training course at least twice per year.
- The Governor shall provide to OHA the names of the persons required to take the training course within 30 calendar days of their initial appointments.

We support the subject bill and believe that a training course of this type will be valuable to incoming commissioners and others who may choose to take the course. We would only recommend that the required content include some basic information on State historic preservation law (Chapter 6E, HRS) as well as the content identified in HB 207, HD1.

Mahalo for considering our testimony. Should you have any questions, please feel free to contact me at the above email address.



**Testimony of Hawai'i Green Growth in Support of HB 207 HD1  
Relating to Training**

**House Committee on Finance**  
26 February 2015, 11:00am, Room 308

Audrey Newman  
Hawai'i Green Growth  
P.O. Box 535 Ho'olehua, Hawai'i 96729

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*Hawai'i Green Growth is a voluntary partnership of more than 70 state, county, federal, business, and non-governmental leaders from energy, food production, natural resources, waste reduction, planning, green jobs, and other sectors who have come together to support a shared statewide commitment and tangible actions toward sustainability and a model green economy.*

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Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

**Hawai'i Green Growth (HGG) supports the Office of Hawaiian Affairs package bill HB207 HD1** relating to a Native Hawaiian Law Training Courses. HB207 will help advance action on the *Aloha+ Challenge: A Culture of Sustainability – He Nohona 'Ae'ōia*, a joint leadership commitment to sustainability for the State of Hawai'i. Native Hawaiian culture and education is a key piece to the *Aloha+ Challenge*, specifically the intent of the Green Workforce and Education 2030 target to "increase local green jobs and education to implement [the Aloha+ Challenge sustainability] targets."

HGG supports the OHA's bill to require a Native Hawaiian Law Training Courses provided by the Office of Hawaiian Affairs for State of Hawai'i's board and commission members to ensure government entities better understand traditional and customary practices, rights and responsibilities (kuleana) regarding Native Hawaiian rights and the public trust doctrine.

Mahalo,

A handwritten signature in black ink that reads "Audrey Newman". The signature is fluid and cursive, with the first name "Audrey" and last name "Newman" clearly legible.

**Audrey Newman**

Senior Advisor, Hawai'i Green Growth (HGG)

*Bringing leaders together to achieve sustainability in Hawai'i & be a model for a green economy*

<http://www.hawaiiingreengrowth.org>

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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON FINANCE  
For hearing Thursday, February 26, 2015

Re: HB207, HD1 RELATING TO TRAINING.

Requires OHA to administer a training course on native Hawaiian and Hawaiian rights. Requires members of certain state councils, boards, and commissions to attend the training course.

The bill says that OHA offered its training courses on three occasions to government officials on various boards and commissions, and that some of those officials took the course, and then some who took the course reported that they had found it helpful. How nice for OHA! Participation was voluntary, free of cost to those who took it and to their employers; and of course they were enthusiastic (or at least they were polite enough to their instructors to give a positive evaluation). How nice for those who took the course and for those who taught it!

This bill proposes to make the course mandatory for all members of a long list of boards and commissions. How awful it would be to force



people to be brainwashed by OHA's political propaganda on highly controversial topics with no presentation of opposing views. Would any member of a board or commission dare to ask a question in class that challenges the correctness of what the OHA-designated teacher is saying, or disagrees with the opinions being presented? By analogy, imagine the situation of a middle-school student from a Christian fundamentalist family being forced to attend a sex-education course which graphically describes anal sex as normal behavior, and whose parents are denied the right to opt-out.

This bill places one state agency, OHA, in a position of authority over other state agencies by requiring employees to pass a course whose purpose is to brainwash them with the political views of OHA. Dozens -- perhaps hundreds -- of members of previously independent boards and commissions would now be placed under the direct authority and supervision of OHA, knowing that if they refuse to kow-tow to their OHA instructor they will be given a failing grade in this mandatory course and will then be ineligible to continue as a member of their board or commission.

For example, OHA has certain views regarding who owns the ceded lands and whether the state has a right to sell parcels of ceded lands. The Hawaii Supreme Court made a 5-0 decision upholding OHA's views. But on appeal, the U.S. Supreme Court ruled 9-0 that OHA's views are wrong. Can we expect OHA to teach correct information about who owns the ceded lands and whether the state can sell them?

For example, OHA has certain views about the Hawaiian revolution of 1893 that overthrew the monarchy, and points to the Blount Report of 1893 and the U.S. apology resolution of 1993 to bolster OHA's views. But those views are controversial, and are disproved by the Morgan Report issued by the U.S. Senate in 1894 and by the majority report of the Native Hawaiians Study Commission issued by a joint Senate/House commission in 1996. Can we expect OHA to provide both sides of this controversy, or will OHA brainwash state employees by teaching only the views OHA endorses?

This bill would require government employees to learn about, and give deference to, the ancient Hawaiian religion as the justification for various state laws and practices regarding water rights for taro, protection of ancient burials, etc. It would constitute an establishment of religion contrary to the First Amendment of the U.S. Constitution; and it would also force employees who have no Hawaiian blood to bow to a religion which portrays people who do have Hawaiian blood as possessing an inherent God-given right to rule these islands.

This bill requires government employees to learn about "traditional and customary rights" of Native Hawaiians to ensure that in carrying out their duties, the employees will give respect and deference to Native Hawaiian beliefs and cultural values. For example, we might expect employees to be trained regarding sacred places, the reasons why taro patches are given special guarantees of access to water, the reasons why ancient burials must not be disturbed, etc.

Those topics, and many others, are based in the ancient Hawaiian religion, which has a creation legend which today's sovereignty activists (incorrectly) describe as portraying Native Hawaiians (and only Native Hawaiians) as genealogically the children of the gods and the brothers to these islands, and the younger brothers of the taro plant, in a way nobody ever can be who lacks a drop of native blood.

The Hawaiian religion is the only one to be given special deference under the terms of this bill; thus this bill would be an establishment of religion. Under terms of this legislation, government money will be used to indoctrinate government employees with a religious belief. Furthermore, the way that belief is likely to be taught can best be described as religious fascism because it justifies giving governmental authority over land-use decisions to a particular racial group.

In 1819, the year before the American missionaries came to Hawaii, the sovereign King Liholiho Kamehameha II, with his regent stepmother Queen Ka'ahumanu, and with Kahuna Nui (High Priest) Hewahewa, exercised sovereignty on behalf of all native Hawaiians to abolish the

ancient religion, and ordered the destruction of the heiaus and burning of idols. Those ethnic Hawaiians who try to resurrect the ancient religion for political purposes disrespect the decision of their ali'is and ancestors. By seeking to elevate that ancient religion above all other religions, they disrespect the right to freedom of religion possessed by all Americans.

This committee should not disrespect the mainstream majority of today's ethnic Hawaiians, and the multiracial, multicultural people of Hawaii, by passing this bill.

**finance8-Melanie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 25, 2015 9:06 AM  
**To:** FINTestimony  
**Cc:** ikepono@hotmail.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/25/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Isaiah Kala Kaaihue	King Kamehameha HCC	Support	No

**Comments:**

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**Sent:** Tuesday, February 24, 2015 7:08 AM  
**To:** FINTestimony  
**Cc:** robertl@oha.org  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robert K. Lindsey, Jr.	Individual	Support	No

**Comments:**

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**Sent:** Tuesday, February 24, 2015 7:05 AM  
**To:** FINTestimony  
**Cc:** kamakane73@gmail.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kama Hopkins	Individual	Support	No

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**Sent:** Tuesday, February 24, 2015 10:23 AM  
**To:** FINTestimony  
**Cc:** rkayelny@gmail.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Support	No

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**To:** FINTestimony  
**Cc:** pohaimm@gmail.com  
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**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
C.R.P. Montague-Mullins	Individual	Support	No

**Comments:**

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## FIN-Jo

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**To:** FINTestimony  
**Cc:** kaliko08@gmail.com  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

### **HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Donna K Santos	Individual	Support	No

Comments: I am from Kauai and I strongly SUPPORT HB207 HD1 which will require certain state boards and commission members to take a training course on Native Hawaiian rights and public trust law. I believe that it is important that these boards and commission members have the basic understanding about how their decisions affect Native Hawaiian traditional and customary practices, public trust resources, and protections for 'iwi kupuna and sacred sites. I urge the committee to PASS this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 11:03 AM  
**To:** FINTestimony  
**Cc:** terriehayes@gmail.com  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

### **HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Terrie Hayes/ LLEWELYN KAOHELAULII	Individual	Support	No

Comments: Education is Key in understanding the plight of Kanaka Maoli.I support this bill,Mahalo.

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## FIN-Jo

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 12:44 PM  
**To:** FINTestimony  
**Cc:** shelleymuneoka@gmail.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

### **HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shelley Muneoka	Individual	Support	No

### Comments:

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**finance8-Melanie**

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**Sent:** Tuesday, February 24, 2015 1:00 PM  
**To:** FINTestimony  
**Cc:** laluz@maui.net  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
lucienne de naie	Individual	Support	No

Comments: Aloha Chair Luke, Vice-Chair Nishimoto and Committee members I strongly support this bill. I have seen state boards and commissions exhibiting confusion or outright lack of knowledge regarding the rights and protections Native Hawaiian's have under our State Constitution to practice their culture. A training process such as proposed in HB 207 could eliminate many costly and time consuming legal challenges. Please give our volunteer board members the background they need to do an effective job and comply with our laws. Mahalo for your consideration Lucienne de Naie Huelo, Maui

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## finance8-Melanie

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 1:04 PM  
**To:** FINTestimony  
**Cc:** bianca@kahea.org  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

### **HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Isaki	Individual	Support	No

Comments: I strongly SUPPORT HB207 HD1 which will require certain state boards and commission members to take a training course on Native Hawaiian rights and public trust law. I believe that it is important that these boards and commission members have the basic understanding about how their decisions affect Native Hawaiian traditional and customary practices, public trust resources, and protections for 'iwi kupuna and sacred sites. This bill takes a positive step forward in reaffirming the state's commitment to Native Hawaiians and communities across the state. I urge the committee to PASS this bill. Mahalo for your support!

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**To:** FINTestimony  
**Cc:** peepuhala@hotmail.com  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

### **HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Iolani Kuoha	Individual	Support	No

Comments: Aloha, As a Native Hawaiian, I strongly SUPPORT HB207 HD1 which will require certain state boards and commission members to take a training course on Native Hawaiian rights and public trust law. I believe that it is important that these boards and commission members have the basic understanding about how their decisions affect Native Hawaiian traditional and customary practices, public trust resources, and protections for 'iwi kupuna and sacred sites. This bill takes a positive step forward in reaffirming the state's commitment to Native Hawaiians and communities across the state. I urge the committee to PASS this bill. Mahalo for your support!

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**finance8-Melanie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 11:34 PM  
**To:** FINTestimony  
**Cc:** amybrinker@mac.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

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**finance8-Melanie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 24, 2015 3:26 PM  
**To:** FINTestimony  
**Cc:** dakatz@aol.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Godfrey	Individual	Support	No

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**To:** FINTestimony  
**Cc:** Kapinapalacat@gmail.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/24/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kapina	Individual	Support	No

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Chair: Sylvia Luke  
Vice Chair: Scott Y. Nishimoto  
House Committee on Finance

Māhealani Yamaguchi  
Myron B. Thompson School of Social Work at the University of Hawai'i at Mānoa  
(808-372-2141)

Thursday, February 26, 2015

Support for H.B. No. 207, Relating to Training

The bill that I strong stand by is House Bill Number 207, Relating to Training. This bill requires training coursed to be designed and established to educate the members of particular state councils, boards, and commissions about Native Hawaiians and Native Hawaiian rights. These boards include land and commission, board of land and natural resources, commission on water resource management, environmental council, board of directors of the agribusiness development corporation, board of agriculture, legacy land conservation commission, natural area reserves system commission, Hawai'i historic places review board, and board of health. The Office of Hawaiian Affairs (OHA) is responsible to administer three training courses.

As a Native Hawaiian this bill pulls my interest because the indigenous people of Hawai'i and history should be acknowledged and recognized. Due to the heavy and important value that these state board members carry for the state of Hawai'i, it is their responsibility to be aware how their decision-making will affect the Native Hawaiian people. It is no secret that the Native Hawaiian people are currently and continue to be unrepresented in prison systems, homeless, health, education, economically, etc.

In my own personal experience for example the issue with Hawai'i's new rail system affects my beliefs as well as my people's beliefs with abusing Native Hawaiian land and values. The Native Hawaiian belief of not disturbing the peace in this instance, digging up bones of Native Hawaiians to make this rail, portrays that issuing these three courses will help be a benefit to make ethical decision-making. It is important that Native Hawaiians experience equality and obtain the proper resources to live sustainably.

In expanding these three required training classes about Native Hawaiians and Native Hawaiian rights for state board members to attend, we are promoting awareness to be culturally sensitive of the important decision making of Hawai'i. Preserving land and protecting Native Hawaiian rights will create a healthier future. This is my testimony to urge to pass House Bill Number 207. Mahalo nui for your time.

:: Leanne Kealoha Fox ::

2<sup>nd</sup> Congressional District

House District: 39  
Senate District: 18

February 24, 2015

**HB207 HD1**  
**RELATING TO TRAINING**

House Committee on Ocean, Marine Resources, and Hawaiian Values & Finance  
Hearing: Thursday, February 26, 2015 11:00 A.m. Room 308

Aloha a welina mai nei e nā alaka'i:

It is with great enthusiasm that I write testimony to **STRONGLY SUPPORT** HB207 HD1 relating to training.

I strongly **SUPPORT HB207 HD1** which will require certain state boards and commission members to take a training course on Native Hawaiian rights and public trust law. I believe that it is important that these boards and commission members have the basic understanding about how their decisions affect Native Hawaiian traditional and customary practices, public trust resources, and protections for 'iwi kupuna and sacred sites. This bill takes a positive step forward in reaffirming the state's commitment to Native Hawaiians and communities across the state. I urge the committee to **PASS** this bill.

I urge the committee to **PASS** HB 207 HD1.  
Respectfully, me ka `oia`i`o.

Letter of Support for HB207 HD1



Sylvia Luke, Chair  
Scott Nishimoto, Vice Chair  
House Committee on Finance

Kainalu Mercado-Spalding  
Myron B. Thompson School of Social Work at UH Manoa  
(808) 238-7746

February 26, 2015

Support for H.B. No. 207, Relating to Training

My name is Kainalu Mercado-Spalding and I am native Hawaiian. As such, I strongly support H.B. No. 207, Relating to Training, which requires OHA to administer training courses on Hawaiian and Native Hawaiian rights for members of certain state councils, boards, and commissions to attend.

With the unique history of Hawaii and its people, there are many circumstances and social factors which native Hawaiian people face in relation to identity and human rights. Different agencies and committees that work with the Hawaiian population are especially important in the plight of this minority. To support this bill is to support a stance of equality for native Hawaiians. When we look at figures of under-representation in education, the prison system, substance abuse, and health, the idea of Hawaiian rights should not be ignored.

Speaking from personal experience as a native Hawaiian, I feel compelled to speak on this matter of rights and racial disparities for the native people of these islands that we love and inhabit. It is important to know that our Hawaiian resources are being offered and produced for the Hawaiian people.

By spreading awareness and knowledge about native Hawaiian rights, we are creating a more educated, culturally conscious state of Hawaii. Thank you for giving me the opportunity to testify.

**finance8-Melanie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 25, 2015 9:23 AM  
**To:** FINTestimony  
**Cc:** kaimomuhlestein@yahoo.com  
**Subject:** \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/25/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimo Muhlestein	Individual	Support	No

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Chair Sylvia Luke  
Committee on Finance

HB 207, HD 1

Thursday, February 26, 2015

11:00 A.M. State Capitol, Conference Room 308

Aloha, I'm Emma Ulali'a Oto-Pale, a student at the University of Hawai'i at Mānoa currently in the BSW Program at the Myron B. Thompson School of Social Work and also a first timer to submitting a testimony.

I am testifying in strong support of the House Bill 207, which requires members of certain state councils, boards, and commissions to attend a training course on native Hawaiian and Hawaiian rights administered by the Office of Hawaiian Affairs.

I support HB 207 and here are the three main reasons why. One, it's important for those in office whose decisions impact native Hawaiians and Hawaiians understand and know the knowledge of native Hawaiians and Hawaiians history and their explanations. Second, to play an active role in making positive change for our community these members identified in 10-A (a) amongst others will gain more knowledge on the responsibilities they must make before taking action. It is also stated that past attendees agreed that the training course helped them to better understand native Hawaiian and Hawaiian traditional and customary rights, natural resource protection, access rights, and the public trust. Third, this measure will expand the awareness and knowledge of native Hawaiian and Hawaiian rights, which will most likely simmer down controversial issues and also educate non-native Hawaiians and non-Hawaiians of their contentious history. Having been trained on these rights from the Office of Hawaiian Affairs, it is most likely that these members stated in 10-A (a) will recollect on this training and its impact on the native Hawaiian and Hawaiian communities before making drastic changes.

Mahalo for this opportunity to be apart of such great changes for Hawai'i's future.  
In closing, please support HB 207.

Emma Ulali'a Oto-Pale

Junior Class of Myron B. Thompson School of Social Work

(808) 372-2467

## FIN-Jo

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**From:** mailinglist@capitol.hawaii.gov  
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**To:** FINTestimony  
**Cc:** jching808@gmail.com  
**Subject:** Submitted testimony for HB207 on Feb 26, 2015 11:00AM

### **HB207**

Submitted on: 2/25/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jon	Individual	Support	No

Comments: I strongly SUPPORT HB207 HD1 which will require certain state boards and commission members to take a training course on Native Hawaiian rights and public trust law. I believe that it is important that these boards and commission members have the basic understanding about how their decisions affect Native Hawaiian traditional and customary practices, public trust resources, and protections for 'iwi kupuna and sacred sites. This bill takes a positive step forward in reaffirming the state's commitment to Native Hawaiians and communities across the state. I urge the committee to PASS this bill.

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Sent: Thursday, February 26, 2015 10:06 AM  
To: FINTestimony  
Cc: rawlinsk@hawaii.edu  
Subject: \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/26/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
KEANI RAWLINS-FERNANDEZ	Individual	Support	No

**Comments:**

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finance1-Kim

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To: FINTestimony  
Cc: kaanaana@hawaii.edu  
Subject: \*Submitted testimony for HB207 on Feb 26, 2015 11:00AM\*

**HB207**

Submitted on: 2/26/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shawna L. Kaanaana	Individual	Support	No

Comments:

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finance1-Kim

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To: FINTestimony  
Cc: kaanaana@hawaii.edu  
Subject: \*Submitted testimony for HB487 on Feb 26, 2015 11:00AM\*

**HB487**

Submitted on: 2/26/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shawna L. Kaanaana	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 25, 2015 3:48 PM  
To: FINTestimony  
Cc: shane.nelsen@gmail.com  
Subject: Submitted testimony for HB207 on Feb 26, 2015 11:00AM

**HB207**

Submitted on: 2/25/2015

Testimony for FIN on Feb 26, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Nelsen	Individual	Support	No

Comments: Aloha, The State's investment in providing training for certain boards and commission will enhance well informed decision making and continuity to the general public and the Native Hawaiian community. Mahalo nui.

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